

COA-II No. 55362-7-II

Sup. Ct. No. 20-2-06525-6

COURT OF APPEALS
DIVISION TWO
OF THE STATE OF WASHINGTON
AT TACOMA

Special appearance - by
Marc James Roberts, of the honorable Roberts clann
[acting in his sui juris sovereign capacity]
Appellant/Aggrieved Party

v.

Jeffrey A. Uttecht, Superintendent,
Coyote Ridge Corrections Center
Respondent.

"Timely Filed"

"Reply"

Pursuant To RAP Rule 10.2(d); and,
Conforms with RAP Rule 10.3(c), respectfully

Marc James Roberts
all rights reserved
DBA: ROBERTS, MARC
DOC# 843042 / HB-14
c/o Coyote Ridge Corrections Center
P.O. Box 769
Connell, WA 99326-0769

Reply

Cover Page

Table of Contents

I. Argument	Pp 1-4
II. Conclusion	Pp 4-5

I. Argument

Attorney General, ROBERT W. FERGUSON, and his Assistant Attorney General, GREGORY K. ZISER (AAG Ziser), WSBA No. 43103; Note their "Straw man" NAMES; have Filed a RAP Rule 10.2(c) brief, instead of a Rule 10.2(b) brief.

Just as AAG Kostin; in Adams' Arbitration Event/Forum; AAG Ziser claims that this sovereign, an aggrieved party (AP), ("...filed an untimely habeas corpus petition challenging his conviction in superior court." And asks that this court, "...should affirm the superior court's dismissal of Roberts' petition as time-barred pursuant to RCW 10.73.090.").

This fallacious argument has been discredited by this AP. CP 86-91; CP 94-98; and, CP 111-117. The Respondent/AAG Ziser knows full well that AP's-["Original"]-state, Writ of Habeas Corpus (OsWoHC) also covers this false argument.

AP was forced to File this Appeal to correct an injustice; Adams' "Order of Dismissal" of AP's (OsWoHC), violates Chapter 7.36, because the writ plainly and adequately pleads justiciable -(Article III.)-claims, i.e., "Federal Questions," see, Chapter 7.36.140. The Dismissal is also contrary to the National Constitution; and invalid on its face, see, brief of appellant, pg. 2, "Assignment of Error," No.(2); see also, id. "argument," Pp. 7-11.

The Respondent/AAG Ziser is not incompetent, lacking in the knowledge of the law, or the RAP Rules. AAG Ziser knows that his brief is defective, lacking in legal sufficiency. Meaning, it omits [all] of AP's "Assignment of Errors," and disregards

Reply

AP's "Arguments," all of which are based in fact, and a matter of record. Respondent/AAG Ziser, has in fact violated RAP Rule 10.3(b) ("..and answer the brief of appellant."). This is considered in law a default; the Respondent/AAG Ziser cannot evade answering AP's brief; like AAG Kostin evaded answering AP's (OsWoHC); because this honorable COA must make a determination on who is right, and who is wrong on the "issues," and or "matter" of this Appeal.

Dispositive fact, this honorable COA, and its Judge(s), are obligated by law to accept this AP's justiciable-(Article III.)-claims; grounds; and, meritorious allegations as the Truth, and draw all reasonable inferences in favor of this sovereign individual, because his pleadings plainly contain sufficient factual matter that plainly shows that he is entitled to relief. Ashcroft v. Iqbal, 556 U.S. 622, @ 672, 129 S.Ct. 1937, 173 L.Ed.2d 868 (2009) ("...to state a claim to relief that is plausible on its face.")(citing, Bell Atlantic v. Twombly, 550 U.S. 544, @ 570, 127 S.Ct. 1955, 167 L.Ed.2d ____ (2007)). ("A claim has facial plausibility when the plaintiff pleads factual content that allows the Court to draw the reasonable inference that the defendant is liable for the misconduct.") id. Ashcroft, @ 678.

This honorable COA, and its Judge(s) should assume that since the Respondent/AAG Ziser omitted, failed to answer, any of the relevant issues, and meritorious allegations, plainly and adequately pleaded in AP's brief-[in violation of RAP Rule 10.3 (b)]-that AAG Ziser has no evidence to counter AP's clear and

convincing evidence.

Therefore, this honorable COA, and its Judge(s) should make a no-answer default judgment, esp. when a ("...pro se complaint must be liberally construed however inartfully pleaded[.]"), see, Erickson v. Pardus, 551 U.S. 89, @ 94, 127 S.Ct. 2197, 167 L.Ed.2d 108 (2007).

As this honorable COA is well aware, ("Courts may rely upon uncontroverted factual allegations that are supported by affidavit."). Rimkus v. Islamic Republic of Iran, 750 F.Supp.2d 163, @ 171 (D.D.C. 2010).

Everyone concerned knows that there is "long standing judicial precedent," on a prisoner's State judgments and sentences in violation of the Constitution or its laws or treaties of the United States of America.

This sovereign individual has plainly alleged that his judgment and sentence is a "void judgment"; that is "invalid on its face"; and not "determined by a court of competent jurisdiction," RCW 10.73.090.

Nobody has the power, and or authority to deprive this sovereign individual his fundamental right to be heard. What, there is "Justice for All," except this--man--who plainly has a vested Liberty interest; an actual "stake" in the outcome of his legitimate Law Suit, i.e., his (OsWoHC), and this Appeal?

AAG Ziser is plainly "Obstructing Justice," and this honorable COA, and its Judge(s) should sanction Adams, via, (CJC) Preamble [1], [2], and [3]; Judge Adams' willfulness, plain acts of malice, do not conform to these principles, see, CANON

Reply

1, CANON 2-[specifically, Rule 2.15(A), and esp., Rule 2.15(C), respectfully]-because AP' Original Writ plainly promulgated credible information that the Original Trial Court "Judge" violated this Code; see also, CANON 3 - Judge Adams shall conduct her personal and "extrajudicial activities" to "minimize the risk of conflict with the obligations of Judicial Office." As for Ferguson, Kostin, and Ziser, see (CJC) Rule 2.15(B), and esp., Rule 2.15(D); and, (ELC) TITLE 5, Rule 5.3.

This honorable COA, and its Judge(s) know, once jurisdiction is challenged, it is presumed that the Court had no jurisdiction over the parties; any act after such challenge without "proof" backed by relevant and substantive legal evidence, would be a violation of 'substantive' Due Process Rights. ("Where jurisdiction is challenged, it must be proven.... The law requires proof of jurisdiction to appear on the record....") Hagen v.-Lavine, 415 U.S. 528, @ 533, 39 L.Ed.2d @ 577, 94 S.Ct. @ 1372 (N.Y. March 28th, 1974). AP challenged jurisdiction in both, his (OsWoHC); and, in this Appeal.

II. Conclusion

Appellant asks this honorable COA, and its Judge(s) to grant his relief in his brief of appellant.

This honorable COA, and it Judge(s) could easily end this scam; simply Order the AG to "show cause," i.e., produce a true, "Bill of Indictment," obtained by a Lawfully convened Grand Jury. So, let's see how this honorable COA, and its Judge(s) are going to deprive this sovereign individual of his fundamental First Amendment Right To Redress; this Appeal/Case is

Relpy

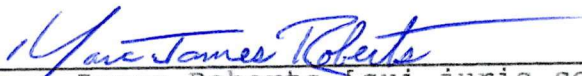
also of Immense Public Interest.

Affidavit--Averment

I, Marc James Roberts, an aggrieved party, swears upon his honor that he is timely filing this Reply in good-faith; and, under penalty of perjury (within) the Laws of the Sovereign, "Washington state," sic. The foregoing is true and accurate, and based upon this sovereign individual's First-Hand Knowledge, Understanding and Beliefs.

Further, affiant, Marc James Roberts, Saith Nought.

Done this 4th day of the month of November, 2021, A.D.



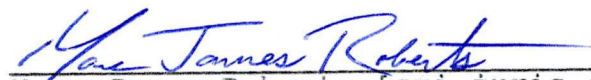
Marc James Roberts-[sui juris sovereign]
all rights reserved
DBA: ROBERTS, MARC
DOC# 843042 / HB-14
c/o Coyote Ridge Corrections Center
P.O. Box 769
Connell, WA 99326-0769

Proof of Service

I, Marc James Roberts, certifies and or swears, under penalty of perjury that on the 4th day of the month of November, 2021, I caused a true and correct Copy of Appellant's "Reply," to be served on the following, in the manner indicated below:

Counsel for: Jeffrey A. Uttecht [X] U.S. Mail - See, GR 3.1
Name: Mr. Gregory Kennedy Ziser
Address: Assistant Atty. Gen.,
P.O. Box 40116
Olympia, WA
98504-0116

Respectfully Submitted By:


Marc James Roberts-[sui juris sovereign]
all rights reserved
c/o Coyote Ridge Corrections Center
P.O. Box 769
Connell, WA 99326

DECLARATION OF SERVICE BY MAIL

GR 3.1

MAIL BOX RULE: [An] inmate's pleadings are deemed filed when deposited in the institution's internal mail system.

I, Marc James Roberts, declare and say:

That on the 4th day of November, 2021, I deposited the following document(s) in the Coyote Ridge Corrections Center's Legal Mail System, by: First-Class, Prepaid-Postage, under Court of Appeals, Division Two, Case No. 55362-7-II

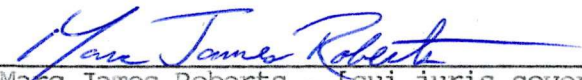
"Reply"

Mailing addressed to the following:

<u>Mr. Gregory Kennedy Ziser</u>	<u>Washington State Court of Appeals,</u>
<u>Assistant Attorney General</u>	<u>Division Two,</u>
<u>P.O. Box 40116</u>	<u>909 A Street, Suite 200</u>
<u>Olympia, WA</u>	<u>Tacoma, WA</u>
<u>98504-0116</u>	<u>98402</u>

I declare under the penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED THIS 4th day of November, 2021, in the City of Connell, County of Franklin, State of Washington.



Marc James Roberts - [sui juris sovereign]
all rights reserved
c/o Coyote Ridge Corr. Center
1301 N. Ephrata Avenue
Connell, WA 99326-0769

FILED
COURT OF APPEALS
DIVISION II

2019 NOV -8 PM 2:20

STATE OF WASHINGTON

BY 
DEPUTY

November 4, 2021

Mr. Derek M. Byrne - Court of Appeals, Division II, Clerk
Court of Appeals - Division II
909 A Street, Suite 200
Tacoma, WA 98402

RE: Filing of Appellant's Reply

Dear, Mr. Byrne:

Please File appellant's "Reply," which is "Timely Filed,"
pursuant to RAP Rule 10.2(d); and, conforms with Rule 10.3(c).

See also, annexed GR 3.1, and CO's Signature and Date on reverse
of envelope.

Appellant wishes you and your Loved Ones a Very Happy Holiday
Season!

Sincerely,



Marc James Roberts-[sovereign]
all rights reserved
DBA: ROBERTS, MARC
DOC# 843042 / HB-14
c/o Coyote Ridge Corrections Center
P.O. Box 769
Connell, WA 99326-0769